

RANDOLPH L. HOWARD (Nev. SBN 006688)
rhoward@klnevada.com
SHLOMO S. SHERMAN (Nev. SBN 009688)
ssherman@klnevada.com
KOLESAR & LEATHAM, CHTD.
400 South Rampart Boulevard, Suite 400
Las Vegas, NV 89145
Telephone: 702.362.7800
Facsimile: 702.362.9472

GARY OWEN CARIS (Cal. SBN 088918)
gcaris@mckennalong.com
LESLEY ANNE HAWES (Cal. SBN 117101)
lhawes@mckennalong.com
McKENNA LONG & ALDRIDGE LLP
300 South Grand Avenue, 14th Floor
Los Angeles, California 90071
Telephone: 213.688.1000
Facsimile: 213.243.6330

Attorneys for Receiver
ROBB EVANS & ASSOCIATES LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

HEALTH FORMULAS, LLC, a California
limited liability company, also doing business
as SIMPLE PURE NUTRITION, et al.,

Defendants.

Case No. 2:14-cv-01649-RFB-GWF

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR APPROVAL AND
PAYMENT OF FEES AND EXPENSES OF
THE RECEIVER AND ITS
PROFESSIONALS FOR THE PERIOD
FROM NOVEMBER 1, 2014 THROUGH
JANUARY 31, 2015 AND FOR LIMITED
NOTICE UNDER LOCAL RULE 66-5**

The matter of the Motion for Approval and Payment of Fees and Expenses of the Receiver and Its Professionals for the Period from November 1, 2014 Through January 31, 2015 and for Order Granting Limited Notice Under Local Rule 66-5 ("Fee Motion") filed by Robb Evans & Associates LLC, the Temporary Receiver ("Receiver") appointed under the Court's Order Granting

1 Ex Parte Motion for Temporary Restraining Order (#5) and Appointing Receiver (#9)
 2 ("Temporary Restraining Order") issued October 9, 2014 (Doc. No. 12) and the Receiver
 3 appointed under the Stipulated Preliminary Injunction as to Defendants Chapnick, Smukler &
 4 Chapnick, Inc., Brandon Chapnick and Keith Smukler ("Stipulated Preliminary Injunction") issued
 5 November 17, 2014 (Doc. No. 61), came on regularly for determination before the Honorable
 6 Richard F. Boulware, II. The Court having reviewed the Fee Motion, and oppositions or
 7 responses to the Motion, if any, and good cause appearing therefor,

8 IT IS ORDERED that:

9 1. The Fee Motion and all relief sought therein is hereby granted;

10 2. Without limiting the generality of the foregoing:

11 A. The receivership fees and expenses incurred for the period from November 1, 2014
 12 through January 31, 2015 ("Expense Period"), including the fees of the Receiver, the Receiver's
 13 members, deputies, agents, staff and professionals, and costs incurred during the Expense Period
 14 in the total sum of \$222,926.80, are hereby approved and authorized to be paid, including the fees
 15 of the Receiver, its members, deputies, agents and staff in the sum of \$144,486.65, the Receiver's
 16 expenses in the sum of \$3,081.76, and the Receiver's legal fees and expenses in the total sum of
 17 \$75,358.94, including fees of \$68,204.70 and expenses of \$2,612.86 for a total of \$70,817.56
 18 incurred for the services of the Receiver's lead counsel McKenna Long & Aldridge LLP, and fees
 19 of \$3,150.00 and expenses of \$1,391.38 for a total of \$4,541.38 the services of the Receiver's
 20 local counsel in Nevada, Kolesar & Leatham, Chtd.;

21 B. The total Receiver's fees and expenses of \$222,926.80 incurred during the Expense
 22 Period shall be paid from the following sources: (1) from funds transferred into the estate from
 23 accounts of defendant Chapnick, Smukler & Chapnick, Inc. ("CSC"), (i) 10% of the fees of the
 24 Receiver and its professionals incurred for services rendered in November 2014 (\$9,426.69); (ii)
 25 Receiver's fees incurred for the services of the Receiver's deputy Flora Jen only for the months of
 26 December 2014 and January 2015 (\$9,105.30); and (iii) 5% of the fees and costs incurred for the
 27 services of the Receiver's lead and local counsel for the entire Expense Period (\$3,767.95); and (2)
 28 from the remaining receivership estate funds other than funds transferred into the estate from

1 accounts of defendant CSC, all remaining Receiver's fees and expenses approved and authorized
2 to be paid pursuant to this Order; and

3 C. Notice of the Fee Motion is hereby deemed to be sufficient under Local Civil Rule
4 66-5 based on the Receiver's service of the Notice of Filing of the Fee Motion and the Fee Motion
5 on all parties and service of the Notice of Filing of the Fee Motion on all known non-consumer
6 creditors of the estate concurrent with the filing of the Fee Motion with the Court.

7
8 Dated: June 15, 2015.



RICHARD F. BOULWARE, II
United States District Court Judge